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/jamesmichaelfaier/
signature: _____

name of person signing certificate: James Michael Faier.

**In the United States Patent and Trademark Office
Before the Trademark Trial and Appeal Board**

Paylocity Corporation,		Opposition No. _____
an Illinois corporation,		
		Mark: VELOCITY GLOBAL
Opposer,		
		SN 86594253
vs.		
		Publication Date: 08 September 2015
Velocity Global, LLC		
		Filed: 10 April 2015
Applicant.		

Notice of Opposition

Opposer, Paylocity Corporation, an Illinois corporation, located and doing business as 3850 N. Wilke Road, Arlington Heights, Illinois 60004, believes that it will be damaged by registration of the mark shown in Serial Number **86594253** and hereby opposes the same.

Description of Applicant's Application

Applicant: Velocity Global, LLC

Applicant's Address: 3001 Brighton Blvd., Denver, CO 80216

Application filing date: 10 April 2015



Published for Opposition in the Official Gazette of 08 September 2015.

Mark: VELOCITY GLOBAL

In International Class 35 for International professional employer organization services in the nature of payroll processing services.

Applicant claimed first use anywhere for services in class 35 on 17 January 2014.

Applicant claimed first use in commerce that the U.S. Congress may regulate for services in class 35 on 17 January 2014.

Grounds for Opposition

As grounds for this opposition, Opposer alleges the following:

1. Ownership of U.S. Trademark Registration No. 3326870

Opposer is the owner of U.S. Trademark Registration No. **3326870** for the mark "**PAYLOCITY**" for **Administration of business payroll for others; payroll preparation for others; human resources consultation; human resources management; unemployment cost control management; and payroll tax filing**" which was registered on the Principal Register on **30 October 2007**. Said registration was based on an application filed in the U.S. Patent and Trademark Office on **22 November 2005**, which is a date prior to the date of filing of Applicant's application and prior to the date of Applicant's claimed date of first use. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce for the **services** specified in said registration. In view of the similarity of the respective marks and the related nature of the services of the respective parties, it is alleged that Applicant's mark so resembles Opposer's registered mark, as to be likely to cause confusion, or to cause mistake or to deceive.

2. Ownership of U.S. Trademark Registration No. 3867921

Opposer is the owner of U.S. Trademark Registration No. **3867921** for the mark "**PAYLOCITY**" in International Class 035 for "Human resource services, namely, serving as a human resources department for others, human resources management, human resources consultation, personnel selection for others; payroll services for others, namely, administration of business payroll for others, payroll preparation, payroll processing services" in International Class 036 for "Payroll services for others, namely, payroll tax debiting services" and in International Class 042 for "Providing temporary use of online non-downloadable software for use in the fields of payroll and human resources, namely, for use in payroll preparation and human resources management for others." The mark was registered on the Principal Register on **26 October 2010**. Said registration was based on an application filed in the U.S. Patent and Trademark Office on **26 February 2008**, which is a date prior to the date of filing of Applicant's application and prior to the date of Applicant's claimed date of first use. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce for the **services** specified in said registration. In view of the similarity of the respective marks and the related nature of the services of the respective parties, it is alleged that Applicant's mark so resembles Opposer's registered mark, as to be likely to cause confusion, or to cause mistake or to deceive.

3. Ownership of U.S. Trademark Registration No. 3867922

Opposer is the owner of U.S. Trademark Registration No. **3867922** for the mark "**PAYLOCITY REDEFINING THE WORLD OF PAYROLL + HR**" in International Class 035 for "Human resource services, namely, serving as a human resources department for others, human resources management, human resources consultation, personnel selection for others; payroll services for

others, namely, administration of business payroll for others, payroll preparation, payroll processing services" and International Class 036 for "Payroll services for others, namely, payroll tax debiting services" and International Class 042 for "Providing temporary use of online non-downloadable software for use in the fields of payroll and human resources, namely, for use in payroll preparation and human resources management for others." The mark was registered on the Principal Register on **26 October 2010**. Said registration was based on an application filed in the U.S. Patent and Trademark Office on **26 February 2008**, which is a date prior to the date of filing of Applicant's application and prior to the date of Applicant's claimed date of first use. Said registered mark of Opposer is valid and subsisting and is prima facie evidence of Opposer's exclusive right to use said mark in commerce for the **services** specified in said registration. In view of the similarity of the respective marks and the related nature of the services of the respective parties, it is alleged that Applicant's mark so resembles Opposer's registered mark, as to be likely to cause confusion, or to cause mistake or to deceive.

4. Prior Adoption and Use of Similar Mark or Trade Name

Opposer, since at least as early as 01 January 2006, has been, and is now using the mark PAYLOCITY in connection with the sale of payroll services for others, human resource services for others, and human resource consultation for others. Said use has been valid and continuous since said date of first use and has not been abandoned. Said mark of Opposer is symbolic of extensive good will and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion. In view of the similarity of the respective marks and the related nature of the services of the respective parties, it is alleged that Applicant's mark so resembles Opposer's mark previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive.

5. Opposition Based on Lanham Act §2(a)

Opposer, since at least as early as 01 January 2006, has been, and is now operating under the designation PAYLOCITY in the area of payroll services for others, human resource services for others, and human resource consultation for others. Said use has been valid and continuous since said date of first use and the relevant class of the public has come to associate Opposer with said designation. In view of the similarity of Applicant's mark with Opposer's designation, and in view of the related nature of the uses thereof, it is alleged that Applicant's mark consists of and comprises matter that may disparage and falsely suggest a connection with Opposer.

WHEREFORE, Opposer prays that said application Serial Number **86594253** be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Power of Attorney

Opposer hereby appoints James Michael Faier (USPTO #56731) and Martin Faier (USPTO #20294), both members of the bar of Illinois, Faier & Faier P.C., 566 W. Adams St., Suite 600, Chicago, IL 60661 USA, to act as attorneys for Opposer herein, with full power to prosecute said opposition, to transact all relevant business with the Patent and Trademark Office and in the United States Courts and to receive all official communications in connection with this opposition. Opposer submits a fee of **\$300** for this opposition. If the fees at any time tendered in this proceeding are deemed insufficient, then please take those fees from Faier & Faier P.C. deposit account 06-0040.

Paylocity Corporation
an Illinois corporation

by:



print name:

JAMES M. FAIER

title:

ATTORNEY FOR OPPOSER

CERTIFICATE OF SERVICE

I, James Michael Faier, an attorney, certify that I served on this date a copy of the foregoing

NOTICE OF OPPOSITION upon counsel of record by depositing a copy thereof in the United

States Mail, postage prepaid and addressed as follows:

Mr. Darin L. Brown
Attorney
Holland & Hart LLP
P.O. Box 8749
Denver, CO 80201-8749

Dated this 23rd day of December 2015.

/jmfaier/

James Michael Faier

Signed: 23rd Day of December 2015.